

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN LAMAR ATCHISON,

Plaintiff,

v.

H. WASHINGTON, et al.,

Defendants.

Case No. 1:22-cv-939

HON. JANE M. BECKERING

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**MEMORANDUM OPINION AND ORDER**

Pending before the Court in this closed prisoner civil rights action is Plaintiff's March 11, 2025 objection (ECF No. 37) to a Report and Recommendation previously approved and adopted by the Court. For the following reasons, Plaintiff's objection is properly denied.

**I**

Plaintiff initiated this case in October 2022 with the filing of a Complaint against three Defendants: H. Washington, Director of Michigan Department of Corrections (MDOC); MDOC Superintendent/Warden S. Burt; and MDOC Deputy Superintendent/Warden D. Steward (ECF No. 1). Plaintiff, who alleges that he suffers from bronchitis, claims that Defendants did not properly and/or timely implement COVID-19-related policies in violation of the Eighth Amendment and federal law. On March 1, 2023, Defendants filed a motion to dismiss under Federal Rule of Civil Procedure 12, asserting both qualified immunity and sovereign immunity, and the matter was referred to the Magistrate Judge.

On March 13, 2024, the Magistrate Judge issued an Order on Defendants' motion to stay discovery and advised Plaintiff that his response to Defendants' motion to dismiss was due no later than April 1, 2024 (Order, ECF No. 33). Plaintiff did not file any response to the motion to dismiss.

On January 8, 2025, the Magistrate Judge issued a Report and Recommendation (ECF No. 34), determining that Plaintiff did not state any plausible claims against Defendants and recommending that this Court grant the motion and dismiss this case. The Magistrate Judge put Plaintiff on notice that failure to file objections to the Report and Recommendation within the specified 14-day period would "waive[] the right to appeal the District Court's order" (*id.* at PageID.239). *See also* FED. R. CIV. P. 72(b)(2) (setting forth a 14-day objection period); W.D. Mich. LCivR 72.3(b) (same).

On February 5, 2025, no objections to the Report and Recommendation having been timely filed, this Court issued an Order approving and adopting the Report and Recommendation (ECF No. 35). This Court also issued a Judgment, which closed this case (ECF No. 36).

On March 11, 2025, Plaintiff submitted the filing at bar, titled "Opposing Motion to Defense Summary Judgment Pleadings and R&R Report," which was docketed as an objection to the Report and Recommendation (ECF No. 37).

## II

The Court now turns to Plaintiff's submission. *See generally* 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3) (describing the requisite de novo review). In his three-page document, Plaintiff does not identify any factual or legal error in the Magistrate Judge's analysis. Rather, Plaintiff contends that "Rule 12(b) is irrelevant as it does not in any wise [sic] – negate any of Plaintiff's contentions" (ECF No. 37 at PageID.244). Plaintiff does not otherwise discuss any specific portion of the Report and Recommendation and merely restates his claim and general

objection to the resolution of his case. Even assuming arguendo that Plaintiff's objection was timely filed, the objection does not require a different outcome in this case. Therefore:

**IT IS HEREBY ORDERED** that the Objection (ECF No. 37) is DENIED.

This case remains closed.

Dated: April 30, 2025

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge